



NUMBER 13-07-671-CV

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI – EDINBURG

IN THE MATTER OF J.C.M., A JUVENILE

On appeal from the 138th District Court of Cameron County, Texas.

MEMORANDUM OPINION

**Before Chief Justice Valdez and Justices Yañez and Benavides
Memorandum Opinion by Justice Benavides**

On January 12, 2006, the district court entered a Judgment of Adjudication and Disposition adjudging J.C.M. as having engaged in juvenile conduct. TEX. FAM. CODE ANN. § 51.03(a) (Vernon Supp. 2007). J.C.M. was placed on probation. The State of Texas filed various motions to modify J.C.M.'s probation.

On September 10, 2007, the district court held a hearing wherein the court received a progress report setting forth various violations of probation by J.C.M. On September 27,

2007, the court held a hearing, and a stipulation was entered that the progress report was true. After hearing all the evidence, the trial court found that J.C.M. had violated the terms and conditions of his probation and committed him to the Texas Youth Commission.

J.C.M.'s appellate counsel, concluding that "there are no arguable grounds to be advanced on appeal," filed an *Anders*¹ brief in which he reviewed the merits, or lack thereof, of the appeal. We affirm.

I. DISCUSSION

A. Compliance with *Anders v. California*

J.C.M.'s counsel filed an *Anders* brief, in which he concludes there is nothing that merits review on direct appeal. *Anders v. California*, 386 U.S. 738, 744 (1967). J.C.M.'s brief meets the requirements of *Anders*. *Id.* at 744-45; see *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978). In compliance with *Anders*, counsel presented a professional evaluation of the record and referred this Court to what, in his opinion, are all issues which might arguably support an appeal. See *Anders*, 386 U.S. at 744; *Currie v. State*, 516 S.W.2d 684, 684 (Tex. Crim. App. 1974); see also *High*, 573 S.W.2d at 812.

Counsel has informed this Court that he (1) has diligently read and reviewed the record and the circumstances of J.C.M.'s commitment, including the hearing at which J.C.M.'s probation was revoked; (2) believes that there are no arguable grounds to be advanced on appeal; and (3) forwarded to J.C.M. a copy of the brief along with a letter informing him of his right to review the record and to file a pro se brief. See *Anders*, 386

¹ *Anders v. California*, 386 U.S. 738, 744 (1967)

U.S. at 744-45; *see also* *Stafford v. State*, 813 S.W.2d 503, 509 (Tex. Crim. App. 1991) (en banc); *High*, 573 S.W.2d at 813. Although juvenile cases are classified as civil proceedings, they are quasi-criminal in nature, and the *Anders* procedure applies to these proceedings. *In re D.A.S. & R.A.H.*, 973 S.W.2d 296, 298-99 (Tex. 1998) (orig. proceeding). J.C.M. has not filed a pro se brief.

B. Independent Review

The United States Supreme Court has advised appellate courts that upon receiving a "frivolous appeal" brief, they must conduct "a full examination of all the proceedings to decide whether the case is wholly frivolous." *Penson v. Ohio*, 488 U.S. 75, 80 (1988); *Ybarra v. State*, 93 S.W.3d 922, 926 (Tex. App.—Corpus Christi 2003, no pet.). Accordingly, we have carefully reviewed the record and have found nothing that would arguably support an appeal. *See Bledsoe v. State*, 178 S.W.3d 824, 826 (Tex. Crim. App. 2005); *Stafford*, 813 S.W.2d at 509. We agree with counsel that the appeal is wholly frivolous and without merit. *See Bledsoe*, 178 S.W.3d at 827-28 ("Due to the nature of *Anders* briefs, by indicating in the opinion that it considered the issues raised in the briefs and reviewed the record for reversible error but found none, the court of appeals met the requirements of Texas Rule of Appellate Procedure 47.1.").

II. CONCLUSION

The judgment of the trial court is affirmed. We order counsel to notify appellant of the disposition of this appeal and the availability of discretionary review. *See Ex parte Wilson*, 956 S.W.2d 25, 27 (Tex. Crim. App. 1997) (per curiam). Counsel has filed a motion to withdraw from further representation of J.C.M. on appeal. Counsel's motion to

withdraw is granted. *In re Schulman*, 252 S.W.3d 403, 410 (Tex. Crim. App. 2008).

GINA M. BENAVIDES
Justice

Do not publish.
See TEX. R. APP. P. 47.2(b).

Memorandum Opinion delivered and
filed this the 7th day of August, 2008.